

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

D&T PARTNERS, LLC, successor-in-interest to ACET Venture Partners, LLC, <i>et al</i>	§ § § § § § § § § §	Civil Cause: 3:21-cv-1171-B
<i>Plaintiff,</i>		
v.		
BAYMARK PARTNERS, LP, <i>et al.</i> ,		
<i>Defendants.</i>		

**ORDER GRANTING WINDSPEED EMPLOYEES' MOTION TO DISMISS
FIRST AMENDED COMPLAINT PURSUANT TO RULE 12(b)(6)**

CAME ON FOR CONSIDERATION the motion filed by defendants Ms. Zhexian Lin (“Lin”), Ms. Dana Marie Tomerlin (“Tomerlin”), Ms. Padasamai Vattana (“Vattana”); Ms. Paula Ketter (“Ketter”), Ms. Vanessa Torres (“Torres” and together with Lin, Tomerlin, Vattana and Ketter the “Windspeed Employees”) styled *Windspeed Employees’ Motion to Dismiss First Amended Complaint Pursuant to Rule 12(b)(6)* (the “Motion”) filed on November 3, 2021 at docket no. _____. Upon Consideration of the Motion and accompanying brief in support, the Court finds and concludes as follows:

A. The Motion was properly served and no further service is necessary.

B. The Court has jurisdiction over the matter and has authority to enter this Order.

IT IS THEREFORE, ORDERED ADJUDGED AND DECREED that:

1. The Motion is hereby **GRANTED**.
2. The RICO Claims asserted in Counts I-III by Plaintiff D&T Partners, LLC (“Plaintiff”), directly and derivatively on behalf of ACET Global, LLC and Baymark ACET Holdco, LLC, are dismissed with prejudice for failure to state a claim upon which relief can be granted.

3. The state law claims asserted in Counts VI-VIII (the “State Law Claims”) by Plaintiff, directly and derivatively on behalf of ACET Global, LLC and Baymark ACET Holdco, LLC, are dismissed with prejudice for failure to state a claim upon which relief can be granted.

Dated: _____

HON. JANE J. BOYLE;
UNITED STATES DISTRICT JUDGE: